

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

PRISON LEGAL NEWS, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. C-09-296
§
BRAD LIVINGSTON, *et al.*, §
§
Defendants. §

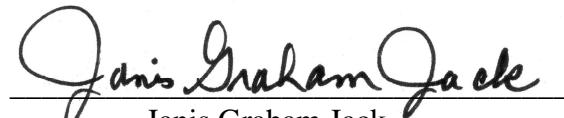
ORDER

On this day came on to be considered Defendants' Motion for the Court to Reconsider its Order to Strike Defendants' Response to Plaintiff's Motion for Summary Judgment. (D.E. 92.)

In their Motion, Defendants state that they were served with Plaintiff's Motion for Summary Judgment solely by electronic means pursuant to Federal Rule of Civil Procedure 5(b)(2)(E). (D.E. 92 at 3.) As such, the Court calculates Defendants' response date pursuant to Rule 56(c) and Rule 6(d), and finds that it is timely thereunder. See Fed. R. Civ. P. 6(d), 56(c); Biliouris v. Sundance Resources, Inc., 2010 WL 1541500, at *2 (N.D. Tex. Apr. 15, 2010) ("Federal Rule 6(d) provides for an additional three day extension to the response deadline when service is made through electronic means under Rule 5(b)(2)(E).").

The Court therefore GRANTS Defendant's Motion (D.E. 92) and VACATES its November 9, 2010 Order (D.E. 91). Defendants' Response to Plaintiffs' Motion for Summary Judgment (D.E. 89) and Motion to Strike (D.E. 87) are hereby deemed timely.

SIGNED and ORDERED this 12th day of November, 2010.



Janis Graham Jack
United States District Judge